

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY C. HAITHCOX

Case No. 06-11756

Plaintiff,

HONORABLE ARTHUR J. TARNOW  
DISTRICT JUDGE

v.

MARY GRAINER, M.D., ET AL.,

HONORABLE R. STEVEN WHALEN  
MAGISTRATE JUDGE

Defendants.

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [121], GRANTING DEFENDANTS MELVIN AND PRICE'S  
MOTION FOR SUMMARY JUDGMENT [117], AND *SUA SPONTE* DISMISSING  
DEFENDANT DUBOC**

On August 17, 2010, Magistrate Judge Whalen issued a Report and Recommendation [121] that Defendants Melvin and Price's Motion for Summary Judgment [117] be granted and that Defendant Duboc be dismissed *sua sponte*. No objections were filed.

The Court has reviewed Report and Recommendation and record in this case.

Defendant has failed to respond to the summary judgment motion despite Magistrate Judge Whalen's March 29, 2010 order [118] for Plaintiff to do so by April 23, 2010.

The Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court.

Accordingly,

**IT IS ORDERED** that Defendants Melvin and Price's Motion for Summary Judgment [117] is **GRANTED**.

**IT IS FURTHER ORDERED** that this matter is dismissed as to Defendant Duboc.

This order resolves all pending motions and closes the case.

**SO ORDERED.**

S/ARTHUR J. TARNOW

Arthur J. Tarnow

Senior United States District Judge

Dated: September 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record and

**Timothy Haithcox**

207322

9450 W. L Avenue

Kalamazoo, MI 49009

on September 9, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE

Case Manager